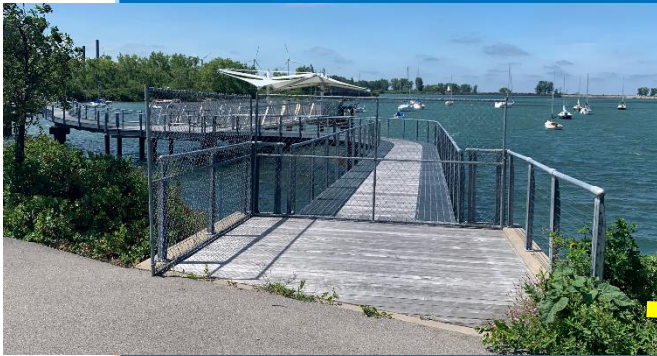


Waterfront Access Denied:  
A Call to Action

Office of Brian Higgins, Member of Congress  
July 22, 2020



Over the last fifteen years, working together, we have made hundreds of acres of prime waterfront land open and available for public access, and constructed dozens of linear miles of new hiking, biking and walking trails along Buffalo's waterfront. And next year, funds from the 2007 NYPA relicensing will be leveraged to construct substantial new public access improvements at the Michigan Pier, the Terminal Elevator site, the Pier restaurant site and the Terminal B site. Existing and improved open space accessible to the public along Buffalo's Outer Harbor is nearly equivalent to combined acreage of the entire Buffalo Olmsted Parks System or Central Park in New York City.

Now that we are faced with the COVID-19 pandemic and related social and economic pressures, the public in Western New York is putting these new, open spaces to use more than ever.



NYC CENTRAL PARK  
840 ACRES



BUFFALO OLMSTED PARKS SYSTEM  
850 ACRES



BUFFALO OUTER HARBOR PUBLIC ACCESS  
765 ACRES

In too many places along the waterfront, however, in this summer of COVID-19, when the health benefits of outdoor passive recreation are more important than ever, the public is being denied access to property which they own and which they have helped improve. Proceeding up or down Fuhrmann Blvd. one is presented with one "closed" sign after another.

Some of these closures have had a sensible rationale, some of them appear arbitrary. A custodian of any one of these amenities might not realize the cumulative impact of all of these closures taken together; and that is why this document is being presented. The public needs access to the waterfront land and amenities for which it has helped pay and which it owns. In each of these instances, Congressman Higgins requests that the organization responsible for the property in question re-examine their policy and provide the public with the most complete and generous public access possible. In instances where public access has been restricted as a result of damage from last Halloween's storm, he asks the custodians of these assets to prioritize these repairs, which are generally eligible for 75% federal reimbursement under the Stafford Act.

- 1) Father Baker pedestrian bridge, Union Ship Canal. Owner: City of Buffalo. Closed as a result of damage in last fall's storm.
- 2) Tifft St. Pier. Owner: City of Buffalo. Closed after damage in a storm several years ago. Periodically, the public will remove the temporary fencing. Even if the floating portion cannot be made available until further improvements are made, there is no need to restrict the public from the fixed portion of the structure.

- 3) Tifft Nature Preserve. Owner: City of Buffalo. Operator: Buffalo Museum of Science. The Buffalo Museum of Science have been outstanding stewards of this city-owned resource. Their decision to open most, but not all, of their trails, is understandable. While the closure of a limited number of narrow trail trails may be understandable, the decision to close the parking lot altogether is arbitrary and unjustifiable. The parking lot was closed by the City of Buffalo, not by the Buffalo Museum of Science.
- 4) Times Beach Nature Preserve. Owner: City of Buffalo. Operator: Erie County and the Friends of Times Beach Nature Preserve. The County and the Friends have done tremendous and important work at this site, preserving and enhancing habitat while helping us all interpret, understand and enjoy nature. The property is mostly closed to the public now, as a result of extensive damage to its boardwalks from last fall's storm. Congressman Higgins' office stands ready to assist the local partners with any federal grant issues which may arise.
- 5) Buffalo Lighthouse Site. Owner: United States of America. Operator: Buffalo Lighthouse Association. The association, over the years, has done a tremendous public service by saving and preserving Buffalo's historic 1833 lighthouse. It is regrettable that the operators of this public site have become more restrictive with regard to public access over the past few years. Now, a complete closure for the entire season is wholly unacceptable.
- 6) Shoreline Trail from Michigan Ave. to Main St. Owner: Niagara Frontier Transportation Authority. The Authority is hard at work building out the transit station inside the former DL&W train station, and the use of a small portion of the trail for construction staging has necessitated the closure of this entire section of trail. The Authority should closely examine its construction schedules and plans, and only block public access on those days and times when it is necessary, and conclude the closure as soon as possible. This stretch is a critical link in the entire regional waterfront trail network.

Having raised these concerns, this document would be incomplete if it did not point out some waterfront access successes this year. The largest custodian of Outer Harbor property is the state of New York, through New York State Parks and the Erie Canal Harbor Development Corporation. These agencies have done an admirable job of making the hundreds of acres for which they are responsible wide-open to the public.

It must also be noted that the Outer harbor is not static; even more significant, new and improved public access is coming to the Outer Harbor. New trails, open spaces, protected natural areas, a bike park and a festival grounds came fully on-line last year, and designers are hard at work finalizing plans for substantial public access improvements to the Michigan Pier, the Terminal Elevator site, the Pier restaurant site and the Terminal B site. ECHDC and the U.S. Army Corps of Engineers are preparing a substantial aquatic habitat project beside the Michigan pier to improve the Outer Harbor fishery and provide other benefits. And the environmental review for the removal of the Buffalo Skyway is proceeding apace, providing the best chance in a generation for the removal of that facility and its noise and pollution from the

Outer Harbor forever, which would dramatically improve the recreational and habitat quality of all of the green spaces up and down the Outer Harbor.